UNITED STATES CONSTITUTION:

Fifth Amendment: ..., nor deprived of life, liberty, or property, without due process of law.

Eighth Amendment: ..., nor excessive fines imposed; nor cruel and unusual punishment inflicted.

Thirteenth Amendment, Section I: Neither slavery nor involuntary servitude, ..., shall exist within the United States, or any place subject to their jurisdiction.

TITLE 29, U.S.C. §§:

623(a): It shall be unlawful for an employer - (1) ... or otherwise discriminate against any individual with respect to his compensations, terms, conditions or privileges of employment, because of such individual's age; (2) to limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's age; (3) to reduce the wage rate of any employee in order to comply with this chapter.

623(d): It shall be unlawful for an employer to discriminate against any of his employees ..., because such individuals ... have made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or litigation under this chapter.

TITLE 42 U.S.C., §§:

1981: All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.

1981(c): The rights protected by this section are protected against impairment by non governmental discrimination and impairment under color of State law.

2000e-2(a): It shall be an unlawful employment practice for an employer - (1) ..., to discriminate against individual with respect to his compensation, terms, conditions or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or (2) to limit, segregate, or classify his employees ... in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin.

2000e-2(k)(c)(2): A demonstration that an employment practice is required by business necessity may not be used as a defense against a claim of intentional discrimination under this subchapter.

2000e-2(m): Except as otherwise provided in this subchapter, an unlawful employment practice is established when the complaining party demonstrates that race, color, religion, sex, or national origin was a motivating factor for any employment practice, even though other factors also motivated the practice.

2000e-3(a): It shall be an unlawful employment practice for an employer to discriminate against any of his employees ..., because he has opposed any practice made an unlawful employment practice by this subchapter, or because he has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this subchapter.

FEDERAL RULES OF:

Appellate Procedure, Rule 35

(a) When Hearing Or Rehearing En banc May Be Ordered. A majority of the current judges who are in regular active service may order that an appeal or other proceeding be heard or reheard by the court of appeals en banc. An en banc hearing or rehearing is not favored and ordinarily will not be ordered unless:

(1) en banc consideration is necessary to secure or maintain uniformity of the courts decisions; or

(2) the proceeding involves a question of exceptional importance.

(b) Petition for Hearing or Rehearing En Banc. A party may petition for a hearing or rehearing en banc:

(1) the petition must begin with a statement that either:

(A) the panel decision conflicts with a decision of the United States Supreme Court or of the court to which the petition is addressed (with citation to the conflict case or cases) and consideration by the full court is therefore necessary to secure and maintain uniformity of the court's decision

(B) the proceeding involves one or more questions of exceptional importance, each of which must be concisely stated; for example, a petition may assert that a proceeding presents a question of exceptional importance if it involves an issue on which the panel decision conflicts with the authoritative decisions of other United States Courts of Appeals that have addressed the issue.

(f) Call for a Vote. A vote need not be taken to determine whether the case will be heard or reheard en banc unless a judge call for a vote.

Civil Procedure, Rule 56:

(c) Motion and Proceedings Thereon: ... The judgment sought shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving

party is entitle to a judgment as a matter of law. A summary judgment, interlocutory in character, may be rendered on the issue of liability along although there is a genuine issue as to amount of damages.

(e) Form of Affidavits; Further Testimony; Defenses Required: ... The court may permit affidavits to be supplemented or opposed by deposition, answers to interrogatories, or further affidavits. When a motion for summary judgment is made and supported as provided in this rule, and adverse party may not rest upon the mere allegations or denials of the adverse party pleadings, but the adverse party's response, by affidavits or as otherwise provided in this rule, must set forth specific facts showing that there is a genuine issue for trial. If the adverse party does not so respond, summary judgment, if appropriate, shall be entered against the adverse party.

Evidence, Rule 406:

Habit; Routine Practice. Evidence of the habit of a person or of the routine practice of an organization, whether corroborated or not and regardless of the presence of eyewitnesses, is relevant to prove that the conduct of the person, or organization on a particular occasion was in conformity with the habit or routine practice.